

BOOK NOTICES.

The Laws and Jurisprudence of England and America. Storrs Lectures delivered at Yale University 1891-92. John F. Dillon. Little, Brown & Co.

These lectures, delivered before the students of the Yale Law School, are now given to the world by the distinguished author, substantially in their original form. He distinctly asks that from this point of view, and from no other, the book be judged. Criticism from any other, would therefore be unjust, and those very features which might, in an academic treatise, be deemed faults of style become virtues when it is remembered that these are discourses delivered face to face to a group of students; he eager to impart, they eager to learn, the lessons of a long and varied experience. The personal force and virility of the lecturer make themselves felt as they never could be in a mere text-book. The very repetitions serve to show how deep are his feelings on certain subjects and how earnestly he attempts to drive home the truths which have become convictions. The preface of the book might well serve as a review; so faithfully has the author set forth his purpose and achieved it. It does not profess to be a compendium, but a delineation of the most characteristic features of our legal system and a discussion of some of the most vital of the unsolved problems in the way of law reform. The origin and development of the common law; trial by jury; legal education in England and America; the Inns of Court; written constitutions; the law reports; codification, and many other subjects are treated in an entertaining and popular—or as the author says—a non-technical way, and adorned by a wealth of historical information not easily accessible. The manifest purpose of the work is to exhibit the excellencies of our own system, and, while not shrinking from a discussion of its defects, to show their comparative insignificance. From first to last the personal opinions of the author upon the important subjects of which he treats are freely given. And these will seem to most men the most valuable part of the work. When a man, who has achieved in each of several lines of professional labor, a reputation, which might well satisfy any man's ambition, steps aside from his busy life to record the convictions which years of

experience have forced upon him, the world may well stop and listen. His attitude upon the question of codification, whose solution must soon be worked out, seems beyond all doubt the correct one. Upon the lines which he has indicated, it will almost certainly be solved. Another fundamental purpose is to protest against what he terms the *Continentalization* of our law; the tendency to engraft upon our parent stock the nomenclature, the classifications and the principles of the Roman system. We cannot help regarding his fears upon this subject as, if not groundless, at least exaggerated. The whole book is written in a spirit of noble-minded patriotism and enthusiasm, which the reader cannot fail to share. Every one—whether lawyer, legislator or layman—will be the better and the wiser for reading it.

A Treatise on the Law of Mortgages of Real Property. By Leonard A. Jones. Fifth Edition, 1894. Two vols., \$12.00 net. Houghton, Mifflin & Co., Boston and New York.

In this new edition of Jones on Mortgages there appear several important changes. All that part of the former editions which treated of Vendors' Liens is omitted, that subject being fully treated in the same author's work on Liens which we reviewed in our last issue. There is inserted also a fuller discussion of Registration and Notice. The work is brought down to date by the incorporation into the text and notes of about four thousand recent cases. Thus this work which has been recognized as an authority since its first edition in 1878, may be relied upon not only for a statement of the principles of law but for their application to current matters of litigation. Another item of great practical importance, since the almost universal use of the Reporters of the National Reporter system and the American Decisions, Reports, and State Reports, is that references to these publications as well as to the official reports are made wherever the same case is also reported in them. The arrangement of the subject matter clearly showing the different rules followed in the several States taken in connection with this system of references renders this book one of the most convenient general treatises for the use of the practising lawyer. The substantial merits of Jones on Mortgages are probably known to most of our readers. Yet it will not be amiss if we mention the scholarly historical introduction to the discussion of the modern law of mortgages: the clear and comprehensive treatment of the several doctrines underlying this law as administered in the more progressive States like New York and California, and in the more conservative like Connecticut; the wealth of detail and

the abundant references which make the work as serviceable in the West and South as in the East and North; and the clearness and precision in the use of language which add to the profit and the pleasure alike of using this book in the investigation of a somewhat abstruse subject. In discussing the topic of fixtures, besides giving the various criteria which many of the courts have adopted, he points out the one criterion which ought to prevail, *i. e.*, the purpose of the annexation. If the purpose is to improve or benefit the realty, the chattel, if affixed by a persisting physical connection, is a fixture; while, if the purpose is to add to the usefulness of the thing, though affixed in similar manner, the chattel remains a chattel. The relation of mortgagor and mortgagee, the nature of their several interests in the property, their remedies, the problems arising from insurance of mortgaged buildings, are ably treated. The work is thorough, exhaustive, reliable.

Hand-Book of Criminal Law. By Wm. L. Clark, Jr. West Publishing Co., St. Paul, Minn., 1894.

This work contains a statement and discussion of the definitions and principles of criminal law, and is to be followed by a similar treatise on criminal procedure by the same author. The arrangement of matter is like that in Professor Norton's *Hand-Book on Bills and Notes* which was reviewed in the second number of our present volume, *viz.*: the definitions and general principles are printed in conspicuous black-letter type which is followed by explanatory and illustrative matter in ordinary type. The author's propositions are well supported by eminent legal authorities and leading cases cited in the foot-notes. His style is attractive and very readable, being characterized by unusual lucidity of expression. The somewhat narrow limits of the work preclude a full treatment of statutory offenses, though the more generally recognized of them are satisfactorily dealt with. The order in which the topics are presented is worthy of commendation. To sum up we should pronounce Clark's *Criminal Law* an excellent elementary treatise.

Law Dictionary and Glossary. By J. Kendrick Kinney. Callaghan & Co., Chicago, Ill. 1893.

The chief advantage of this dictionary is the large number of terms defined. Besides the ordinary legal words of technical signification, the Roman, Saxon, Scotch and French words and phrases, of frequent and occasional use, are included, and many old and obsolete terms are defined. By making the definitions concise and avoiding references, which have but slight value in a

dictionary, the author has succeeded in combining comprehensiveness and compactness. The alphabetical arrangement has been strictly adhered to throughout, and the phrases are given under the first word in them. The different meanings and use in the older and the recent law, and in the English and American law are carefully distinguished. While this work is intended especially for students, its clearness and brevity recommend it to all members of the profession.

Car Trusts in the United States is the title of an interesting and able pamphlet by Gherardi Davis and G. Morgan Browne, Jr., of the New York Bar. It is a brief statement of the law of contracts in regard to the conditional sales of rolling stock to railroads. Car trusts are a form of mercantile contract first developed in the United States and this is the only work which deals specifically with the subject. The leading cases on these contracts are discussed at length and a table of the statutes in each State is given, with forms of leases, agreements and certificates, in the appendix. Members of the legal profession will find it an interesting and important essay on a new branch of railroad law.